



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,100	09/10/2004	Pavel Cheben	AP928USN	1797

33361 7590 03/13/2006

ADAMS PATENT & TRADEMARK AGENCY
P.O. BOX 11100, STATION H
OTTAWA, ON K2H 7T8
CANADA

EXAMINER

WALKE, AMANDA C

ART UNIT	PAPER NUMBER
----------	--------------

1752

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,100

Applicant(s)

CHEBEN ET AL.

Examiner

Amanda C. Walke

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-9,13,18-20,29,30,32-36,44,45,47 and 49-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9,13,18-20,29,30,32-36,44,45,47 and 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1, 2, 7-9, 13, 18-20, 29, 30, 32-36, 44, 45, 47, and 49-52 are rejected under 35

U.S.C. 102(b) as being anticipated by Chandross et al (EP 938027 or 6,268,089).

Chandross et al disclose an improved photorecording medium suitable for use in holographic storage systems contains a glassy hybrid inorganic-organic, three dimensional matrix, in which is distributed a photoimageable system comprising one or more photoactive, organic monomers. The medium is fabricated by providing a precursor of the hybrid inorganic-organic matrix, mixing the matrix precursor with the photoimageable system, and curing the matrix precursor to form the matrix in situ. The matrix and photoimageable system exhibit independent chemistries, such that the step of matrix formation does not substantially affect the photoimageable system. The hybrid matrix precursor is typically an oligomer derived from a compound represented by $R_n M(OR')_{4-n}$, where M is a metallic element having a valence of three or higher, such as silicon, titanium, germanium, zirconium, vanadium, or aluminum, R is an alkyl or aryl, R' is a lower alkyl, and n ranges from 1 to 2. The hybrid nature of the matrix material provides several advantages. The inorganic character offers thermal, mechanical, and chemical stability, and also reduces both the bulk viscoelastic creep and the bulk polymerization-induced shrinkage typically exhibited by media utilizing organic polymer matrices. The organic character provides compatibility between the matrix precursor and the organic components (e.g.,

the photoactive monomer) of the photoimageable system, allowing homogeneous mixing during fabrication of the medium. The organic moieties also offer some flexibility to the matrix, and, it appears, ease diffusion of the photoactive monomer within the matrix during exposure, thereby improving the process of storing data. The hybrid nature of the matrix material provides several advantages. The inorganic backbone offers thermal, mechanical, and chemical stability. The inorganic backbone also reduces both the bulk viscoelastic creep and the bulk polymerization-induced shrinkage typically exhibited by media utilizing organic polymer matrices. The organic moieties attached to the backbone provide compatibility between the matrix precursor and the organic components (e.g., the photoactive monomer) of the photoimageable system, allowing desirable dispersion of the photoimageable system in the matrix precursor during fabrication of the medium. In addition, larger organic moieties, e.g., aryls, provide increased free volume and reduced network density in the matrix. Such lowered network density appears to ease diffusion of the monomer within the matrix during exposure, thereby improving the process of storing data. In addition, selection of the organic moieties allows adjustments to the physical properties of the matrix. The hybrid matrix precursor is typically an oligomer derived from a compound represented by $R_n M(OR')_{4-n}$, where M is a metallic element that has a valence of three or higher, e.g., silicon, titanium, germanium, zirconium, vanadium, and aluminum (silicon is considered a metallic element for purposes of the invention), R is an alkyl or aryl, such as methyl or phenyl, R' is a lower alkyl with up to 4 carbon atoms, and n ranges from 1 to 2. At least a portion of the precursor should be trifunctional (n=1) to provide a three-dimensional matrix structure. It is possible to obtain oligomeric precursors commercially, particularly siloxane oligomers. Alternatively, it is possible to obtain monomeric precursor, in which case the

Art Unit: 1752

associated oligomer is formed at some point prior to the process of fabricating the photorecording medium--typically before mixing of the precursor with the photoimageable system. Obtaining or forming an oligomeric precursor prior to mixing with the photoimageable system allows a milder final cure, thereby reducing the likelihood of premature polymerization of the photoactive monomer. The photoimageable system contains a photoactive organic monomer, which is induced to polymerize upon exposure of the photoimageable system to light that has passed through an array representing a page of data. In response to the lesser amounts of monomer in the irradiated regions caused by the polymerization, additional monomer diffuses from the dark to the exposed regions. The polymerization and resulting monomer concentration differences create a refractive index change, thereby forming a hologram of the data carried by the recording light. A variety of useful monomers, typically referred to as photomonomers, are known in the art and are useful in the invention. See, e.g., U.S. patent application Ser. No. 08/698,142, and W. K. Smothers et al., "Photopolymers for Holography," SPIE OE/Laser Conference, 1212-03, Los Angeles, Calif., 1990, both referenced previously. In selecting a photomonomer, considerations include the monomer's refractive index, particularly the contrast between the monomer's refractive index and the matrix's refractive index, as well as the rate of reactivity of the monomer. Monomers suitable for the medium of the invention include acrylate monomers, such as isobomyl acrylate, phenoxyethyl acrylate, and diethylene glycol monoethyl ether acrylate. Monomers having other functional groups, such as epoxides and vinyl ethers, are also suitable. It is possible to use a monomer that enhances the contrast between exposed and non-exposed portions of the medium. These contrast-enhancing monomers include acrylates such as 2-naphthyl-1-oxyethyl acrylate and 2(N-carbazoyl-1-oxyethyl) acrylate. It is also possible

Art Unit: 1752

to use monomers which exhibit a relatively low refractive index, e.g., less than 1.50. A mixture of monomers is useful in some situations to provide desired properties. In an advantageous embodiment, the hybrid matrix precursor is an organosiloxane oligomer derived from hydrolysis and condensation of one or more trifunctional organoalkoxysilanes, e.g., triethoxysilanes. Particularly useful trifunctional organoalkoxysilanes include methyltriethoxysilane, phenyltriethoxysilane, and mixtures of both methyltriethoxysilane and phenyltriethoxysilane. It is also possible to include some difunctional organoalkoxysilanes, e.g., dialkoxysilanes, to provide desired physical properties. In particular, the presence of the difunctional organoalkoxysilanes reduces the cross-link density in the matrix, thereby, it is believed, enhancing diffusion of the photoactive monomer in the medium. Formation of oligomeric precursor is accomplished by hydrolysis and condensation, thereby forming a branch siloxane ladder network. This oligomer formation step is typically carried out before the pre-cure, and a variety of such oligomeric materials are commercially available. As discussed previously, the organic moieties enhance the solubility of the photoactive organic monomer in the precursor, and also impart some flexibility to the final siloxane matrix. It is possible to commercially obtain organoalkoxysilanes as partially hydrolyzed organosiloxane oligomer, as either a liquid or a solid form known as flake.

Given the teachings of the references, the instant claims are anticipated.

Response to Arguments

3. Applicant's arguments filed 12/30/2005 have been fully considered but they are not persuasive. Applicant's arguments have overcome the rejection over Maeda et al. With respect to

Art Unit: 1752

Chandross et al, applicant has argued that the precursor of the reference has a different structure than that of the instant invention (page 9 of the response) and that the material of the invention provides better results. It is noted by the examiner that the rejection of record is a 102 rejection, not a 103, thus arguments and/or demonstrations of unexpected or superior results are not persuasive. With respect to the precursor structure discussed on page 9 of the response, no such structure for an inorganic precursor is claimed. The instant claims simply require a material having an inorganic-organic matrix or wherein the matrix is prepared from various functional organoalkoxysilane, which meet the formula of the instant claim 29 (which is different from the formula disclosed on page 9 of the response). The Chandross reference does appear to meet these limitations as discussed above. Therefore, the rejection is maintained.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 1752

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337.

The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amanda C Walke
Examiner
Art Unit 1752

ACW
March 3, 2006